

Article - Natural Resources

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§3–306.

(a) Notwithstanding anything to the contrary in this article or the Public Utilities Article, on application to the Public Service Commission for a certificate of public convenience and necessity associated with power plant construction involving, but not limited to, use or diversion of the waters of the State, or private wetlands, the Commission shall notify immediately the Department of Natural Resources and the Department of the Environment of the application. The Commission shall supply the Department of Natural Resources and the Department of the Environment with any pertinent information available regarding the application. The Department of the Environment shall treat the application for a certificate of public convenience and necessity as an application for appropriation or use of waters of the State under Title 5 of the Environment Article and as an application for a license for dredging and filling under Title 16 of the Environment Article.

(b) Within 60 days after the application for a certificate of public convenience and necessity has been filed with the Commission, the Secretary shall require the Department of Natural Resources to complete any additional study and investigation concerning the application, and the Secretary of the Environment shall require the Department of the Environment to study and investigate the necessity for dredging and filling at the proposed plant site and water appropriation or use. The Secretary and the Secretary of the Environment jointly shall forward the results of the study and investigation, together with a recommendation that the certificate be granted, denied, or granted with any condition deemed necessary, to the chairman of the Commission.

(c) The results and recommendations shall be open for public inspection and shall be presented by the Secretaries or their designees at the hearing the Commission holds as required by Title 7, Subtitle 2 of the Public Utilities Article. Within 15 days from the conclusion of the hearing, and based on the evidence there presented, the Secretaries jointly shall present their final recommendation to the chairman of the Commission including, but not limited to, any specific conclusions as to any private wetlands involved and any specific conclusions as to any water use or restriction of water use involved.

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